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10/664,692	09/19/2003	Dean L. McClymonds	13.27461	4706

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,692

Applicant(s)

MCCLYMONDS, DEAN L.

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/19/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Specification***

1. The disclosure is objected to because of the following informalities: page 1, line 11, cited patent number "5,711,129" should be changed to -5,711,139—;

Page 3, line 2, "axis" should be changed to -axes—;

Reference numbers "14" and "16" have been used to designate both a right frame member and left frame member, respectively, and hydraulic motors.

Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels in view of Fujimoto et al., hereafter Fujimoto.

In regards to claims 1 and 2, Rafaels discloses a mowing device comprising:

a frame (24) having a first side and a second side,

a first pair of ground wheels (36) mounted on said first side of said frame (24),

a second pair of ground wheels (28) mounted on said second side of said frame (24),

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means (see column 5, lines 9-15) for remotely controlling (see column 4, lines 52-68) the speed and direction of rotation of said first pair of ground wheels (36),

a deck (26) vertically adjustably attached to said frame (24, via mounting brackets 64, 66), and

a vegetation cutting blade (50) rotatably attached to said deck (26), as per claim 1; and

wherein said means for remotely controlling the speed and direction of rotation of said first pair of ground wheel comprises a first remotely controllable motor (40) mounted on said first side of said frame (24) and said means for controlling the speed and direction of rotation of said second pair of ground wheels comprises a second remotely controlled motor (42) mounted on said second side of said frame (24), as per claim 2.

However, Rafaels fails to disclose means for controlling the speed and direction of rotation of said second pair of ground wheels independent of the speed and direction of rotation of said first pair of ground wheels.

Fujimoto discloses a mowing device including means for controlling the speed and direction of rotation of said second pair of ground wheels (9, see figure 8V) independent of the speed and direction of rotation of said first pair of ground wheels (8, see figure 8II).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the independent wheel controls of Fujimoto on the mower of Rafaels in order to improve traction when using tools on opposites sides of the vehicle.

4. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels in view of Meeks.

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In regards to claims 7, 9, and 10, Rafaels discloses a mowing device comprising;

a frame (24) having a first side and a second side,

a deck (26) detachably attachable to said frame (24) at any one of a plurality of heights (via connecting brackets 64, 66),

a vegetation cutting blade (50) rotatably attached to said deck (26),

a first pair of ground wheels (36) mounted on said first side of said frame (24),

a second pair of ground wheels (28) mounted on said second side of said frame (24), as per claim 7.

However, Rafaels fails to disclose a first remotely controlled hydraulic pump mounted on said deck,

a first hydraulic motor mounted on said first side of said frame, said first hydraulic motor being hydraulically connected to said first remotely controlled hydraulic pump and said first hydraulic motor being mechanically connected to said first pair of ground wheels,

a second remotely controlled hydraulic pump mounted on said deck, and

a second hydraulic motor mounted on said second side of said frame, said second hydraulic motor being hydraulically connected to said second remotely controlled hydraulic pump and said second hydraulic motor being mechanically connected to said second pair of ground wheels, as per claim 7; and

further comprising: a remotely controlled internal combustion engine mounted on said deck and

a remotely controlled clutch connecting said remotely controlled internal combustion engine to said vegetation cutting blade, as per claim 9; and

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wherein said internal combustion engine is a two cycle gasoline engine, as per claim 10.

Meeks discloses a remotely controlled lawn mower including remotely controlled hydraulic pumps (92, see column 4, lines 39-49) mounted on the deck (14); and

Hydraulic motors (80) mounted on the first and second sides of the frame (20), the motors (80) being hydraulically connected to the hydraulic pumps (92) and being mechanically connected to wheels (82), as per claim 7; and

further comprising: a remotely controlled internal combustion engine (12) mounted on said deck (14) and

a remotely controlled clutch connecting said remotely controlled internal combustion (12) engine to said vegetation cutting blade (64), as per claim 9; and

wherein said internal combustion engine (12) is a two cycle gasoline engine, as per claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the separate hydraulic systems of Meeks on the mower of Rafaels in order to reduce the amount of maneuvering in changing direction.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels in view of Fujimoto as applied to claim 2 above, and further in view of Taube.

The device is disclosed as applied to claim 2 above. However, Rafaels and Fujimoto fails to disclose a remotely controlled internal combustion engine mounted on said deck, and a remotely controlled clutch connecting said remotely controlled internal combustion engine to said vegetation cutting blade, as per claim 4; and

wherein said internal combustion engine is a two cycle gasoline engine, as per claim 5.

Taube discloses a remotely controlled mower including a remotely controlled internal combustion engine (unnumbered) mounted on said deck (2), and a remotely controlled clutch connecting said remotely controlled internal combustion engine to said vegetation cutting blade (see column 5, lines 27-34), as per claim 4; and

wherein said internal combustion engine is a two cycle gasoline engine, as per claim 5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remotely controllable blade of Taube on the device of Rafaels and Fujimoto in order to control the mower by an operator distant therefrom.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rafaels, Fujimoto and Taube as applied to claims 4 and 5 above, and further in view of Mountcastle, Jr.

The device is disclosed as applied above. However, the combination fails to disclose a plurality of rollover bars attached to the deck.

Mountcastle, Jr. discloses a mower including a rollover bar (135).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rollbar of Mountcastle, Jr. on the mower of Rafaels, Fujimoto, and Taube in order to additionally brace and hold the frame.

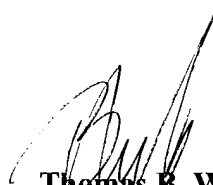
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bellinger, Shurman et al., and Kita have been cited as of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
June 25, 2004